

Serial No. 09/850,383
Docket No. YOR920010417US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brenda Dietrich

Serial No.: 09/850,383

Group Art Unit: 3691

Filed: May 7, 2001

Examiner: Chencinski, Siegfried E.

For: **AUCTIONS FOR MULTIPLE ITEMS WITH CONSTRAINTS SPECIFIED BY THE BIDDERS**

Commissioner of Patents
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. 1.111

Sir:

In response to the Office Action dated April 5, 2010, please amend the above-identified application as follows:

INTRODUCTORY COMMENTS

As a preliminary matter, the Examiner again describes a feature of claim 1 as "non-functional descriptive material", and presumably does not give the feature any patentable weight. Applicant pointed out to the Examiner in the Amendment filed on February 16, 2010 that the term "non-functional descriptive material" is discussed at MPEP 2106.01 with respect to whether subject matter is nonstatutory subject matter under 35 USC 101, but has nothing to do with whether a limitation is taught or suggested by the prior art. Applicant again respectfully requests that the Examiner respond to Applicant's argument.